



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

December 16, 2021

Via Emailed PDF

Alexandra Wilson
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005

Re: 4336 Southern Ave., SE (Square 5366, Lot 95).

Dear Ms. Wilson:

This letter confirms the discussion you had with my staff on October 25, 2021, regarding a proposed project at the property located at 4336 Southern Avenue, SE (the “**Property**”), which is a corner lot at Sothorn and Stanley Streets SE. The Property is in the R-2 zone. The Property is currently improved with a two-story detached building currently used as a single-family dwelling (the “**Building**”). You are proposing to subdivide the lot into three lots, maintain the existing Building on one lot (Lot A), and construct two, new semi-detached dwellings, each on the two new lots (Lots B and C) (the “**Project**”).

Background and Proposed Project

The Subject Property has 11,500 sq. ft. of land area and 100 ft. of lot width and lot frontage. Accordingly, the lot is large enough to subdivide into three (3) lots for semi-detached houses. However, there is an existing house on the property located in such a position that makes it impossible to divide the lot into three even lots. The owner considered demolishing the house, but adjacent to the house are two large heritage trees which would be impacted by any demolition. Accordingly, the Applicant must maintain that existing house (See attached- Existing Site Plan). Accordingly, the proposal is to subdivide the current lot into three new lots:

(See attached- Proposed Site Plan)

	Lot Width	Land Area
Lot A	40 ft. 7 in.	4,667 sq. ft.
Lot B	29 ft. 8.5 in.	3,416.5 sq. ft.
Lot C	29 ft. 8.5 in.	3,416.5 sq. ft.

Elimination of Existing Side Yard

You have asked me for my confirmation regarding the existing conforming side yard. As is consistent with my previous determinations, you are permitted to eliminate an existing conforming side yard via a subdivision, if the zone allows semi-detached buildings (See attached- 3230 Det. Letter, Plat, and Email).

Minor Deviation

Lots B and C require a minor deviation for lot width. Pursuant to 11-A DCMR § 304.2(b) of the 2016 Zoning Regulations, the Zoning Administrator is authorized to permit a deviation not to exceed the lesser of two percent (2%) or twelve inches (12 in.) of the linear requirements governing minimum lot width, provided that the deviation will not impair the purpose of the otherwise applicable regulations. The minimum required lot width for semi-detached buildings in the R-2 zone is 30 feet. In this case, you are proposing to create two new lots, Lots B and C, with 29 ft. and 8.5 in. of lot width. Two percent (2%) of 30 ft. is 0.6 feet or 7-13/64 inches. Accordingly, as the proposed lots are only 3.5 inches shy of the minimum lot width requirements, a minor deviation is permitted.

In accordance with 11-A DCMR § 304.3, I have considered the following issues in determining that the deviations would not impair the purpose of the otherwise applicable regulations:

(a) The light and air available to neighboring properties shall not be unduly affected;

The light and air available to neighboring properties shall not be unduly affected. The lot has enough land area and lot width for three semi-detached structures, and you are not requesting a deviation to provide more density than what would ordinarily be allowed but for the existing house on the property.

(b) The privacy of neighboring properties shall not be unduly compromised;

The privacy of neighboring properties shall not be unduly compromised due to the deviation. The deviation does not allow for the buildings to be any closer to neighboring buildings without the deviation. The proposed the buildings will be significantly set back from the adjacent structures and conform to all required setbacks.

(c) The level of noise in the neighborhood shall not be unduly increased;

As described above, the lot has enough land area and lot width for three semi-detached structures, and you are not requesting a deviation to provide more density than what would ordinarily be allowed but for the existing house on the property. For that reason, the level of noise in the neighborhood shall not be unduly increased.

(d) The use and enjoyment of neighboring properties shall not be unduly compromised;

For the reasons stated in (a)- (c), the use and enjoyment of neighboring properties shall not be unduly compromised.

(e) No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and

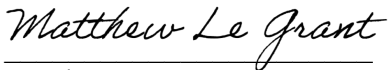
The purpose of the deviation is to protect adjacent trees which would otherwise possibly be damaged if the deviation was not granted and the existing house demolished.

(f) The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of [the Zoning Regulations].

The neighborhood is made up of a mix of semi-detached and detached dwellings and the general scale and pattern of buildings on the subject street frontage would be maintained consistent with the development standards as the proposed structures will be within the permitted height limit for the R-2 zone.

For the above reasons, I have determined that the requested deviations will not impair the purpose of the otherwise applicable regulations, in accordance with A-304.3 (a) – (f). In addition, the requested deviation amounts comply with the percentage limits within A-304.2. Therefore, my determination is to approve the herein-requested minor deviations.

Please feel free to contact me if you have any questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

Attachments: Email with Attachment of Determination Letter re 323213th St NW – 6-24-19
Existing Site Plan 4-12-21
Proposed Site Plan 9-16-21

Zoning Technician: Ramon Washington

File: Det Let re 4336 Southern Ave SE to Wilson 12-16-21